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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

11 A.P. and Y.Z.,

12 Plaintiffs,

13 vs.

14 CHA HEALTH SYSTEMS, INC.,  
15 COMPREHENSIVE HEALTH FOR  
16 ALL, FERTILITY MEDICAL  
17 GROUP, INC., CHA HEALTH  
18 SYSTEMS, INC. D/B/A CHA  
19 FERTILITY CENTER LOS  
20 ANGELES, CHA FERTILITY  
21 CENTER LOS ANGELES, JOSHUA  
22 J. BERGER, M.D. and SIMON  
23 HONG, PH.D.,

Defendant.

Civil No.: 2:23-cv-01621-FLA-KESx

**NOTICE OF MOTION FOR  
DETERMINATION OF GOOD FAITH  
OF SETTLEMENT BETWEEN  
PLAINTIFFS AND DEFENDANT,  
JOSHUA J. BERGER, MD**

DATE: October 20, 2023

TIME: 1:30 P.M.

LOCATION: Courtroom 6B

TRIAL DATE: 08/29/2024

ACTION FILED: 07/12/19

Assigned to Hon. Fernando L. Aenlle-Rocha,  
Courtroom 6B, for all purposes including trial

23 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that on October 20, 2023, at 1:30 p.m., or as soon  
25 thereafter as counsel may be heard by this court, Defendant, Joshua J. Berger, M.D., will  
26 and hereby does move this court to issue a final order:

27 a. Confirming and approving that the settlement agreement between Plaintiffs,  
28 A.P. and Y.P., on the one hand, and Defendant Joshua J. Berger, MD, on the other is in

1 good faith, fair, reasonable, and consistent with the intent of California Code of Civil  
2 Procedure §§ 877 and 877.6.

3 b. Establishing that, pursuant to the Settlement Agreement, and California  
4 Code of Civil Procedure § 877, et seq., Defendant Joshua J. Berger, MD and his insurers  
5 are discharged from all liability for claims for contribution or indemnity arising from any  
6 alleged past negligence, act, omission, or misconduct of Defendant Joshua J. Berger, MD  
7 in connection with the subject matter of this litigation.

8 c. Dismissing with prejudice all claims asserted herein against Defendant  
9 Joshua J. Berger, MD.

10 This motion is based upon this Notice of Motion and Joint Motion, the  
11 accompanying Memorandum of Points and Authorities, the Declaration of Christopher P.  
12 Wend, and accompanying exhibits, and all of the pleadings, files and records in this action,  
13 and upon such other matters as may be presented at the hearing of this motion.

14 This motion is made following the conference of counsel pursuant to L.R. 7-3 which  
15 took place on August 28, 2023, and September 6, 2023.

16 Dated: September 18, 2023 LA FOLLETTE, JOHNSON, DeHAAS, FESLER &  
17 AMES

18 */s/ Christopher P. Wend*

19 By: \_\_\_\_\_

20 CHRISTOPHER P. WEND

21 ADAM L. ROBINSON

22 Attorneys for Defendant, JOSHUA J. BERGER,  
23 M.D.  
24  
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CERTIFICATE OF SERVICE

STATE OF CALIFORNIA ]  
COUNTY OF LOS ANGELES ] ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is LA FOLLETTE, JOHNSON, DeHAAS, FESLER & AMES, 701 North Brand Blvd., Suite 600, Glendale, California 91203-9877.

I hereby certify that on September 18, 2023, I caused all of the pages of the foregoing documents described as **NOTICE OF MOTION FOR DETERMINATION OF GOOD FAITH OF SETTLEMENT BETWEEN PLAINTIFFS AND DEFENDANT, JOSHUA J. BERGER, MD** to be electronically filed with the United States District Court, Central District District of California by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system regarding the case of A.P. and Y.Z. v. CHA Health Systems, Inc., et al., Court Case No. 2:23-cv-01621-FLA-KESx, Our Matter No. 158.40873 CPW.

SEE ATTACHED MAILING LIST

I declare under penalty of perjury under the law of the United States of America that I am employed by a member of the Bar of this Court and that the forgoing is true and correct.

Executed on September 18, 2023, at Glendale, California.

/s/ Christopher P. Wend  
CHRISTOPHER P. WEND

A.P. and Y.Z. v. CHA Health Systems, Inc., et al.  
Our File No.: 158.40873 CPW  
Case No.: 2:23-cv-01621-FLA-KESx

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13 MEDICAL GROUP, INC. DBA CHA FERTILITY CENTER LOS ANGELES

14 and DR. SIMON HONG

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